

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and

HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 20237 of 2004

Between:

- 1 Modegunta Ramachandraiah, s/o Polaiah,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore
District.
- 2 Goda Kistaiah, s/o Narasaiah,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore
District.

..... PETITIONERS

AND

- 1 The District Collector, Nellore.
- 2 The Mandal Revenue Officer, Vidavalur Mandal,
Nellore District.
- 3 The Environmental Engineer, A.P.Pollution Control
Board, Nellore.
- 4 Konduru Venkata Subba Reddy, s/o Subbarami
Reddy,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore
District.

- 5 Konduru Laxminarayana Reddy, s/o Venkata Subba Reddy,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.
- 6 Konduru Sukumar Reddy, s/o Venkata Subba Reddy,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.
- 7 Konduru Suneethamma, w/o Venkata Subba Reddy,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.
- 8 Nannam Narasaiah, s/o Potaiah,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.
- 9 Nannam Yanadamma, w/o Narasaiah,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.
- 10 Nannam Bujjamma, w/o Venkateswarlu,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.
- 11 Nannam Sreehari, w/o Narasaiah,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.
- 12 Nannam Venkata Krishanaiah, s/o Narasaiah,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.
- 13 Nannam Ratnam, s/o Narasaiah,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.
- 14 Veguru Narayanaiah, s/o Chinnaiah,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.
- 15 Nettumbaka Ragaiah, s/o Veera Ragaiah,
r/o Mudivarthi Village, Vidavalur Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, writ or direction more particularly a writ of mandamus under Article 226 of Constitution of India, declaring the action of respondents 1 to 3 in not taking steps to stop the pollution being caused by the respondents 4 to 15 by carrying on illegal and unlawful prawn culture without obtaining permission from the competent authority in 17 acres in Survey Nos.773/1, 773/2, 774,141/1, 142/2, 144; ac.5.90 cents in Survey No.775/1-3, 775/1-10 to 775/1-13, 776/3A and 776/4; and Acs.7.93 cents in Survey No.773/2 and 774 and 2 acres in Survey No.359/A of Mudivarthi Village, Vidavalur Mandal, Nellore District who are polluting the Malidevi Vagu by letting of contaminated effluents therein, as illegal, arbitrary, unjust and without jurisdiction and also violative of judgments of Honourable Supreme Court in Jagannath's case and as well as the judgment of the Honourable Court in Maddileti Padma Rambabu's case and consequently

direct the respondents 1 to 3 forthwith to stop the illegal and unlawful aqua culture by the respondents 4 to 15 in the above extent of land.

Counsel for the Petitioners : MR.P.SRIDHAR REDDY

Counsel for the Respondent Nos. 1 and 2: GP FOR REVENUE

Counsel for the respondent No.3: Mr. S.V. Bhatt.

Counsel for the respondent Nos. 4 to 15: None appeared.

The Court at the admission stage made the following : ORDER:

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ORAL ORDER:

(per Hon'ble The Chief Justice)

1 . Counter affidavit has not been filed by official respondents. Grievance of the petitioners is that aqua culture activity is in progress in the lands mentioned in the writ petition as also in their representation dated 25.09.2004. This activity is being conducted by the owners of the land without obtaining requisite permission. Therefore, direction is sought for stoppage of such activity.

2. As a matter of fact, petitioners approached the Court within a short time of sending representation. Therefore, we proceed to allow the writ petition with direction to respondents 1 to 3 to treat the writ petition itself as a representation of the petitioners along with representation dated 25.09.2004 and conduct spot inspection within a period of two weeks from the date of receipt of a copy of this order. On spot inspection if it is found that aqua culture activity is in progress without permission/consent at the behest of any person, prompt steps will be taken to ensure that such activity is not allowed to continue in any manner whatsoever. Ordered accordingly. No costs.

DEVINDER GUPTA. C.J.,

M. NARAYANA REDDY. J.,

Dated: 08.12.2004.

VRK.

To

- 1 The District Collector, Nellore.
- 2 The Mandal Revenue Officer, Vidavalur Mandal,
Nellore District.
- 3 The Environmental Engineer, A.P.Pollution Control
Board, Nellore.
4. Two CCs to G.P., for Revenue, High Court Buildings,
Hyderabad (OUT).
5. Two CD copies.

**HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE M. NARAYANA REDDY.**

W.P.NO. 20237 OF 2004.

**(Order of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 08.12.2004.